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U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES BANKRUPTCY COURT

IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

No.: 08-04161-FLK11

STARLIGHT, LLC, d/b/a STARLIGHT
LOUNGE & DINING ROOM,

Chapter 11

FINDINGS OF FACT

Debtor.

THIS MATTER coming before the Court upon the issues raised by Debtor's request for confirmation of Debtor's Plan of Reorganization, as amended, ("Plan") and based upon the evidence produced, the Court now makes the following:

FINDINGS OF FACT

1. Debtor's Plan of Reorganization was filed herein on January 29, 2009, and subsequently amended, which was submitted to Creditors and other parties in interest;

2. That the Plan has been accepted in writing by the creditors and equity security holders whose acceptance is required by law; and

3. That the provisions of Chapter 11 of the United States Code have been complied with and the Plan has been proposed in good faith and not by any means forbidden by law; and

4. That (a) each holder of a claim or interest has accepted the Plan or will receive or retain under the Plan property of a value, as of the effective date of the Plan, that is not less than the amount that such holder would receive or retain if the Debtor was

Findings of Fact-1

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1 liquidated under Chapter 7 of the Code on such date, or (b) the Plan does not discriminate
2 unfairly, and is fair and equitable with respect to each class of claims or interests that is
3 impaired under, and has not accepted the Plan; and

4 5. All payments made or promised by the Debtor or by a person issuing
5 securities or acquiring property under the Plan or by any other person for services or for
6 costs and expenses in, or in connection with, the Plan and incident to the case, have been
7 fully disclosed to the Court and are reasonable and are hereby approved, or, if to be fixed
8 after confirmation of the Plan, will be subject to approval of the Court; and
9

10 6. Confirmation of the Plan is not likely to be followed by the liquidation, or the
11 need for further financial reorganization of the Debtor, or (b) if the Plan is a plan of
12 liquidation, the Plan sets a time period in which liquidation will be accomplished, and
13 provides for the eventuality that the liquidation is not accomplished in that time period; and
14

15 7. That pursuant to the Plan, the following acts or events constitute substantial
16 consummation of the Plan: sixty (60) days following Confirmation, provided that Debtor
17 has paid all installments provided by this Plan to be paid within that time.

18 8. Creditors were given Notice of Confirmation and no objections thereto were
19 made, or if made, have been resolved.

20 9. It is proper that Debtor's Plan be confirmed, subject to the following:

21 a. Notwithstanding any provision of the Plan and/or
22 Amendment to the contrary, the Debtor's claim against insider Doris
23 Morgan for the Debtor's post-petition payment of an obligation of Doris
24
25

Findings of Fact-2

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1 Morgan to Dell Bach in the approximate amount of \$19,000.00 is hereby
2 reserved if Debtor defaults in any payments of the Plan; and

3 b. Notwithstanding any provision of the Plan, as amended, to the
4 contrary, until Debtor satisfies all payments required under the confirmed Plan,
5 within ten (10) business days of any written request by any party-in-interest, Debtor
6 shall provide to the requesting party Debtor's Net Average Income, as defined in
7 Article X of the Plan, along with supporting profit and loss statements used by
8 Debtor to compute Debtor's Net Average Income; provided, however, that Debtor
9 shall not be required to provide Debtor's Net Average Income and supporting profit
10 and loss statement to any party-in-interest more than twice per year, beginning 6
11 months from the entry of the Court's Order confirming the Plan.
12

13 PRESENTED BY:

14 SOUTHWELL & O'ROURKE, P.S.

15
16 BY: /s/ Kevin O'Rourke
17 KEVIN O'ROURKE, WSBA #28912

18 So Ordered this 14th
19 day of July, 2009
20
21 *Frank L. Law*
22
23
24
25 Judge

Findings of Fact-3

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